

Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Johannessen, Machado, Morrow, Murray, O'Connell, and Polanco)

February 22, 2002

An act to amend Sections 7019, 7057, 7106.5, 7110, 7141, 8698.6, 8751, 8762, 8764.5, and 8773.2 of, and to repeal Section 7058.1 of, the Business and Professions Code, and to amend Section 66452.6 of the Government Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 2027, as introduced, Committee on Business and Professions. Professions and vocations.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law authorizes the board to hire licensed professionals for site investigations of consumer complaints and specifies what type of contracts a general contractor may undertake while acting as a subcontractor. Existing law exempts certain contractors from testing for a specialty contractors' license and provides that the registrar may continue investigating a contractor if the contractor's license has expired or has been suspended. Existing law additionally authorizes the registrar to renew a license that has been expired for up to 3 years if the appropriate form is filed and fee is paid to the board and prohibits the current annual cost index adjustment from taking effect until the registrar performs the necessary calculations.

This bill would authorize the board to contract with interpreters, manufacturer's representatives, and accountants when conducting an investigation or prosecuting a licensee and would specify that a general contractor may subcontract with either a specialty contractor or a

general engineering contractor. The bill would provide that the registrar would have jurisdiction over a contractor even if the contractor's license has been canceled or forfeited by operation of law. The bill would authorize an automatic adjustment to the current annual cost index March 1 of each year. The bill would make conforming changes.

(2) Existing law repeals the Structural Fumigation Enforcement Program on July 1, 2003.

This bill would extend that program until July 1, 2006.

(3) Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of professional land surveyors by the Board for Professional Engineers and Land Surveyors. Existing law prohibits a person from using certain terms to describe his or her professional activity unless the person has a valid land surveyors' license. Existing law requires a county recorder to provide the survey preparer with specified data within 10 days of filing the survey. Existing law provides that a violation of the act is a crime.

This bill would prohibit a person from using the term "geometrics engineer" unless the person has a valid land surveyors' license. The bill would require a county recorder to provide the survey preparer with specified data within 10 days of filing the survey if the survey preparer provides the recorder with a postage-paid, self-addressed envelope. The bill would make conforming changes.

By expanding the use of prohibited terms used to identify land surveyors, the violation of which is a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7019 of the Business and Professions
- 2 Code is amended to read:



7019. (a) If funding is made available for that purpose, the board may contract with licensed professionals, as appropriate, for the site investigation of consumer complaints. ~~The~~

(b) *The board may contract with other professionals, including, but not limited to, interpreters and manufacturer's representatives, whose skills or expertise are required to aid in the investigation or prosecution of a licensee, registrant, applicant for a license or registration, or those subject to licensure or registration by the board.*

(c) *The registrar shall determine the rate of reimbursement for licensed professionals performing inspections on behalf of the board those individuals providing assistance to the board pursuant to this section. All reports shall be completed on a form prescribed by the registrar.*

~~(b)~~

(d) As used in this section, "licensed professionals" means, but is not limited to, engineers, architects, landscape architects, ~~and~~ geologists, *and accountants* licensed, certificated, or registered pursuant to this division.

SEC. 2. Section 7057 of the Business and Professions Code is amended to read:

7057. (a) Except as provided in this section, a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind, requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

(b) A general building contractor may take a prime contract or a subcontract for a framing or carpentry project. However, a general building contractor shall not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate ~~specialty~~ license *classification* or subcontracts with an appropriately licensed

1 ~~specialty~~ contractor to perform the work. A general building
2 contractor shall not take a subcontract involving trades other than
3 framing or carpentry, unless the subcontract requires at least two
4 unrelated trades or crafts other than framing or carpentry, or unless
5 the general building contractor holds the ~~required specialty~~
6 *appropriate license classification*. The general building contractor
7 may not count framing or carpentry in calculating the two
8 unrelated trades necessary in order for the general building
9 contractor to be able to take a prime contract or subcontract for a
10 project involving other trades.

11 (c) No general building contractor shall contract for any project
12 that includes the “C-16” Fire Protection classification as provided
13 for in Section 7026.12 or the “C-57” Well Drilling classification
14 as provided for in Section 13750.5 of the Water Code, unless the
15 general building contractor holds the specialty license, or
16 subcontracts with the appropriately licensed specialty contractor.

17 SEC. 3. Section 7058.1 of the Business and Professions Code
18 is repealed.

19 ~~7058.1. (a) An individual or entity covered under~~
20 ~~subdivision (d) of Section 7058 is exempt from testing for a~~
21 ~~specialty license with regard to those operations if, by no later than~~
22 ~~March 31, 2000, the individual or entity provides documentation~~
23 ~~and certification under penalty of perjury that all of the following~~
24 ~~apply:~~

25 ~~(1) The individual or entity has been continuously engaged in~~
26 ~~the business of traffic control for at least the prior 10 years.~~

27 ~~(2) The individual or entity has not been a party to a~~
28 ~~construction litigation judgment totaling more than five hundred~~
29 ~~thousand dollars (\$500,000) or 5 percent of the annual value of~~
30 ~~work performed, whichever is less.~~

31 ~~(3) The individual or entity has not had any conviction for a~~
32 ~~serious or willful violation of the California Occupational Safety~~
33 ~~and Health Act of 1973 (Part 1 (commencing with Section 6300)~~
34 ~~of Division 5 of the Labor Code).~~

35 ~~(4) The individual or entity has not been convicted of a~~
36 ~~violation of federal or state law, including, but not limited to, a~~
37 ~~violation of provisions governing the payment of wages, benefits,~~
38 ~~or personal income tax withholding, or provisions governing~~
39 ~~Federal Insurance Contributions Act (FICA) withholding~~
40 ~~requirements, state disability insurance withholding requirements,~~

1 ~~or unemployment insurance payment requirements, during the last~~
2 ~~five years. For the purposes of the paragraph, only a conviction as~~
3 ~~an employer shall be deemed applicable, unless it is shown that the~~
4 ~~individual or entity, in the capacity of an employer, failed to~~
5 ~~comply with the conditions set forth in subdivision (b) of Section~~
6 ~~1775 of the Labor Code.~~

7 ~~(5) The individual or entity has not been convicted of~~
8 ~~submitting a false or fraudulent claim to a public agency during the~~
9 ~~last five years.~~

10 ~~(b) Any employer who is found to have falsified his or her~~
11 ~~application for exemption from testing with respect to any~~
12 ~~information required to be provided under this section may not~~
13 ~~reapply for that exemption or apply for the required specialty~~
14 ~~license for a period of two years.~~

15 ~~(c) Until the Contractors' State Licensing Board adopts an~~
16 ~~examination for the classification specified in subdivision (d) of~~
17 ~~Section 7058, any individual or entity that does not qualify for an~~
18 ~~exemption from testing under subdivision (a) and is performing~~
19 ~~work defined under subdivision (d) of Section 7058 shall be~~
20 ~~required to apply for a license in order to continue performing that~~
21 ~~work until an examination is available, at which time, that~~
22 ~~individual or entity shall be subject to the examination~~
23 ~~requirement.~~

24 SEC. 4. Section 7106.5 of the Business and Professions Code
25 is amended to read:

26 7106.5. The expiration, *cancellation*, *forfeiture*, or
27 suspension of a license by operation of law or by order or decision
28 of the registrar or a court of law, or the voluntary surrender of a
29 license by a licensee shall not deprive the registrar of jurisdiction
30 to proceed with any investigation of or action or disciplinary
31 proceeding against ~~such~~ *the* license, or to render a decision
32 suspending or revoking ~~such~~ *the* license.

33 SEC. 5. Section 7110 of the Business and Professions Code is
34 amended to read:

35 7110. Willful or deliberate disregard and violation of the
36 building laws of the state, or of any political subdivision thereof,
37 ~~or of the minimum painting standards adopted pursuant to Section~~
38 ~~37040 of the Health and Safety Code~~, or of Section 8505 or 8556
39 of this code, or of Sections 1689.5 to 1689.8, inclusive, or Sections
40 1689.10 to 1689.13, inclusive, of the Civil Code, or of the safety

1 laws or labor laws or compensation insurance laws or
2 Unemployment Insurance Code of the state, or violation by any
3 licensee of any provision of the Health and Safety Code or Water
4 Code, relating to the digging, boring, or drilling of water wells, or
5 Article 2 (commencing with Section 4216) of Chapter 3.1 of
6 Division 5 of Title 1 of the Government Code, constitutes a cause
7 for disciplinary action.

8 SEC. 6. Section 7141 of the Business and Professions Code
9 is amended to read:

10 7141. Except as otherwise provided in this chapter, a license
11 *that has expired* may be renewed at any time within three years
12 after its expiration on filing of application for renewal on a form
13 prescribed by the registrar, and payment of the appropriate
14 renewal fee. *Renewal under this section shall be effective on the*
15 *date an acceptable renewal application is filed with the board. The*
16 *licensee shall be considered unlicensed and there will be a break*
17 *in the licensing time between the expiration date and the date the*
18 *renewal becomes effective.* If the license is renewed after the
19 expiration date, the licensee shall also pay the delinquency fee
20 prescribed by this chapter. ~~Renewal under this section shall be~~
21 ~~effective on the date on which an acceptable renewal application~~
22 ~~is filed and the delinquency fee is paid pursuant to Section 7137~~
23 ~~and the licensee shall be considered as unlicensed during the time~~
24 ~~between the expiration date and the date the renewal becomes~~
25 ~~effective.~~ If so renewed, the license shall continue in effect through
26 the date provided in Section 7140 which next occurs after the
27 effective date of the renewal, when it shall expire if it is not again
28 renewed.

29 If a license is not renewed within three years, the licensee shall
30 make application for a license pursuant to Section 7066.

31 SEC. 7. Section 8698.6 of the Business and Professions Code
32 is amended to read:

33 8698.6. This chapter shall remain in effect only until July 1,
34 ~~2003~~ 2006, and as of that date is repealed, unless a later enacted
35 statute, which is chaptered before July 1, ~~2003~~ 2006, deletes or
36 extends that date.

37 SEC. 8. Section 8751 of the Business and Professions Code
38 is amended to read:

39 8751. No person shall represent himself or herself as, or use
40 the title of, or any abbreviation or combination of the words in the

1 title of, professional land surveyor, licensed land surveyor, land
2 surveyor, land survey engineer, survey engineer, geodetic
3 engineer, *geomatics engineer*, or geometronic engineer unless he
4 or she is the holder of a valid, unsuspended, and unrevoked license.

5 SEC. 9. Section 8762 of the Business and Professions Code
6 is amended to read:

7 8762. (a) After making a field survey in conformity with the
8 practice of land surveying, the *licensed* surveyor or *registered* civil
9 engineer may file with the county surveyor in the county in which
10 the survey was made, a record of the survey.

11 (b) After making a field survey in conformity with the practice
12 of land surveying, the licensed land surveyor or registered civil
13 engineer shall file with the county surveyor in the county in which
14 the field survey was made a record of the survey relating to land
15 boundaries or property lines, if the field survey discloses any of the
16 following:

17 ~~(a)~~

18 (1) Material evidence or physical change, which in whole or in
19 part does not appear on any subdivision map, official map, or
20 record of survey previously recorded or properly filed in the office
21 of the county recorder or county surveying department, or map or
22 survey record maintained by the Bureau of Land Management of
23 the United States.

24 ~~(b)~~

25 (2) A material discrepancy with the information contained in
26 any subdivision map, official map, or record of survey previously
27 recorded or filed in the office of the county recorder or the county
28 surveying department, or any map or survey record maintained by
29 the Bureau of Land Management of the United States. For
30 purposes of this subdivision, a “material discrepancy” is limited
31 to a material discrepancy in the position of points or lines, or in
32 dimensions.

33 ~~(c)~~

34 (3) Evidence that, by reasonable analysis, might result in
35 materially alternate positions of lines or points, shown on any
36 subdivision map, official map, or record of survey previously
37 recorded or filed in the office of the county recorder or the county
38 surveying department, or any map or survey record maintained by
39 the Bureau of Land Management of the United States.

40 ~~(d)~~

(4) The establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.

(e)

(5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title recorded in the county recorder's office are not shown on any subdivision map, official map, or record of survey.

(c) The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first.

(d) If the 90-day time limit contained in this section cannot be complied with for reasons beyond the control of the licensed land surveyor or registered civil engineer, the 90-day time period shall be extended until the time at which the reasons for delay are eliminated. If the licensed land surveyor or registered civil engineer cannot comply with the 90-day time limit, he or she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter stating that he or she is unable to comply. The letter shall provide an estimate of the date for completion of the record of survey, the reasons for the delay, and a general statement as to the location of the survey, including the assessor's parcel number or numbers.

(e) The licensed land surveyor or registered civil engineer shall not initially be required to provide specific details of the survey. However, if other surveys at the same location are performed by others which may affect or be affected by the survey, the licensed land surveyor or registered civil engineer shall then provide information requested by the county surveyor without unreasonable delay.

(f) Any record of survey filed with the county surveyor shall, after being examined by him or her, be filed with the county recorder. ~~The county recorder shall provide the preparer of the map with the filing data within 10 days of the filing of the map.~~

(g) (1) *If the preparer of the record of survey provides a postage-paid, self-addressed envelope or postcard with the filing of the record of survey, the county recorder shall provide the preparer of the record of survey with the filing data within 10 days*

1 of final filing. For the purposes of this subdivision, “filing data”
2 includes the date, book or volume, and the page at which the record
3 of survey is filed by the county surveyor.

4 (2) If the preparer of the record of survey does not provide a
5 postage-paid, self-addressed envelope or postcard with the filing
6 of the record of survey, the county recorder shall provide the
7 preparer of the record of survey with the filing data as defined in
8 subdivision (i) within 20 days of the filing of the map.

9 SEC. 10. Section 8764.5 of the Business and Professions
10 Code is amended to read:

11 8764.5. Statements shall appear on the map as follows:

12
13 SURVEYOR’S STATEMENT

14
15 This map correctly represents a survey made by me or under my direction
16 in conformance with the requirements of the Land Surveyors’ Act at the
17 request of _____

18 _____
19 in _____, ~~19~~ 20____. Name of Person Authorizing Survey

20 (Signed and sealed) _____
21 L.S. (or R.C.E.) No. _____
22 License expiration date _____
23

24 COUNTY SURVEYOR’S STATEMENT

25
26 This map has been examined in accordance with Section 8766 of the Land
27 Surveyors’ Act this _____ day of _____, ~~19~~ 20____.

28
29 (Signed and sealed) _____
30 _____ County Surveyor
31 L.S. (or R.C.E.) No. _____
32 License expiration date _____
33

34 RECORDER’S STATEMENT

35
36 Filed this _____ day of _____, ~~19~~ 20____, at _____m. in Book _____ of _____
37 at page _____, at the request of _____.

38 (Signed) _____
39 _____ County Recorder
40

1 No other statements may appear on the face of the map except
2 those required or authorized by this article.

3 SEC. 11. Section 8773.2 of the Business and Professions
4 Code is amended to read:

5 8773.2. (a) A “corner record” submitted to the county
6 surveyor or engineer shall be examined by him or her for
7 compliance with ~~subdivision (d) of Section 8765~~ and Sections
8 8773, 8773.1, and 8773.4, endorsed with a statement of his or her
9 examination, and filed with the county surveyor or returned to the
10 submitting party within 20 working days after receipt.

11 (b) In the event the submitted “corner record” fails to comply
12 with the examination criteria of subdivision (a), the county
13 surveyor or engineer shall return it to the person who submitted it
14 together with a written statement of the changes necessary to make
15 it conform to the requirements of subdivision (a). The licensed
16 land surveyor or registered civil engineer submitting the corner
17 record may then make the changes in compliance with subdivision
18 (a) and resubmit the corner record for filing. The county surveyor
19 or engineer shall file the corner record within 10 working days
20 after receipt of the resubmission.

21 (c) If the matters appearing on the corner record cannot be
22 agreed upon by the licensed land surveyor or the registered civil
23 engineer and the county surveyor within 10 working days after the
24 licensed land surveyor or registered civil engineer resubmits and
25 requests the corner record be filed without further change, an
26 explanation of the differences shall be noted on the corner record
27 and it shall be submitted to and filed by the county surveyor. When
28 the county surveyor places an explanatory note on a corner record,
29 the county surveyor shall transmit a copy of the filed corner record
30 within 10 working days of the filing to the licensed land surveyor
31 or registered civil engineer who submitted the corner record.

32 (d) The corner record filed with the county surveyor of any
33 county shall be securely fastened by him or her into a suitable book
34 provided for that purpose.

35 (e) A charge for examining, indexing, and filing the corner
36 record may be collected by the county surveyor, not to exceed the
37 amount required for the recording of a deed.

38 (f) If the preparer of the corner record provides a postage-paid,
39 self-addressed envelope or postcard with the filing of the corner
40 record, the county surveyor shall provide the preparer of the corner

record with the filing data within 20 days of final filing. For the purposes of this subdivision, “filing data” includes the date, book or volume, and the page at which the corner record is filed by the county surveyor. This subdivision shall not apply to a county surveyor’s office that maintains an electronic data base of filed corner records that is accessible to the public by reference to the preparer’s license number.

SEC. 12. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend one hundred twenty-five thousand dollars (\$125,000) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) The amount of one hundred twenty-five thousand dollars (\$125,000) shall be *annually* increased by ~~the registrar of~~ *contractors operation of law* according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The *effective date of each annual* adjustment ~~by~~

1 ~~the registrar of contractors shall be effective on the first day of the~~
2 ~~month occurring more than 30 calendar days after the registrar~~
3 ~~makes that adjustment~~ *March 1*. The adjusted amount shall apply
4 to tentative and vesting tentative maps whose applications were
5 received after the effective date of the adjustment.

6 (3) “Public improvements,” as used in this subdivision,
7 include traffic controls, streets, roads, highways, freeways,
8 bridges, overcrossings, street interchanges, flood control or storm
9 drain facilities, sewer facilities, water facilities, and lighting
10 facilities.

11 (b) (1) The period of time specified in subdivision (a),
12 including any extension thereof granted pursuant to subdivision
13 (e), shall not include any period of time during which a
14 development moratorium, imposed after approval of the tentative
15 map, is in existence. However, the length of the moratorium shall
16 not exceed five years.

17 (2) The length of time specified in paragraph (1) shall be
18 extended for up to three years, but in no event beyond January 1,
19 1992, during the pendency of any lawsuit in which the subdivider
20 asserts, and the local agency which approved or conditionally
21 approved the tentative map denies, the existence or application of
22 a development moratorium to the tentative map.

23 (3) Once a development moratorium is terminated, the map
24 shall be valid for the same period of time as was left to run on the
25 map at the time that the moratorium was imposed. However, if the
26 remaining time is less than 120 days, the map shall be valid for 120
27 days following the termination of the moratorium.

28 (c) The period of time specified in subdivision (a), including
29 any extension thereof granted pursuant to subdivision (e), shall not
30 include the period of time during which a lawsuit involving the
31 approval or conditional approval of the tentative map is or was
32 pending in a court of competent jurisdiction, if the stay of the time
33 period is approved by the local agency pursuant to this section.
34 After service of the initial petition or complaint in the lawsuit upon
35 the local agency, the subdivider may apply to the local agency for
36 a stay pursuant to the local agency’s adopted procedures. Within
37 40 days after receiving the application, the local agency shall either
38 stay the time period for up to five years or deny the requested stay.
39 The local agency may, by ordinance, establish procedures for
40 reviewing the requests, including, but not limited to, notice and

1 hearing requirements, appeal procedures, and other administrative
2 requirements.

3 (d) The expiration of the approved or conditionally approved
4 tentative map shall terminate all proceedings and no final map or
5 parcel map of all or any portion of the real property included within
6 the tentative map shall be filed with the legislative body without
7 first processing a new tentative map. Once a timely filing is made,
8 subsequent actions of the local agency, including, but not limited
9 to, processing, approving, and recording, may lawfully occur after
10 the date of expiration of the tentative map. Delivery to the county
11 surveyor or city engineer shall be deemed a timely filing for
12 purposes of this section.

13 (e) Upon application of the subdivider filed prior to the
14 expiration of the approved or conditionally approved tentative
15 map, the time at which the map expires pursuant to subdivision (a)
16 may be extended by the legislative body or by an advisory agency
17 authorized to approve or conditionally approve tentative maps for
18 a period or periods not exceeding a total of five years. The period
19 of extension specified in this subdivision shall be in addition to the
20 period of time provided by subdivision (a). Prior to the expiration
21 of an approved or conditionally approved tentative map, upon an
22 application by the subdivider to extend that map, the map shall
23 automatically be extended for 60 days or until the application for
24 the extension is approved, conditionally approved, or denied,
25 whichever occurs first. If the advisory agency denies a
26 subdivider's application for an extension, the subdivider may
27 appeal to the legislative body within 15 days after the advisory
28 agency has denied the extension.

29 (f) For purposes of this section, a development moratorium
30 includes a water or sewer moratorium, or a water and sewer
31 moratorium, as well as other actions of public agencies which
32 regulate land use, development, or the provision of services to the
33 land, including the public agency with the authority to approve or
34 conditionally approve the tentative map, which thereafter
35 prevents, prohibits, or delays the approval of a final or parcel map.
36 A development moratorium shall also be deemed to exist for
37 purposes of this section for any period of time during which a
38 condition imposed by the city or county could not be satisfied
39 because of either of the following:

1 (1) The condition was one that, by its nature, necessitated
2 action by the city or county, and the city or county either did not
3 take the necessary action or by its own action or inaction was
4 prevented or delayed in taking the necessary action prior to
5 expiration of the tentative map.

6 (2) The condition necessitates acquisition of real property or
7 any interest in real property from a public agency, other than the
8 city or county that approved or conditionally approved the
9 tentative map, and that other public agency fails or refuses to
10 convey the property interest necessary to satisfy the condition.
11 However, nothing in this subdivision shall be construed to require
12 any public agency to convey any interest in real property owned
13 by it. A development moratorium specified in this paragraph shall
14 be deemed to have been imposed either on the date of approval or
15 conditional approval of the tentative map, if evidence was
16 included in the public record that the public agency which owns
17 or controls the real property or any interest therein may refuse to
18 convey that property or interest, or on the date that the public
19 agency which owns or controls the real property or any interest
20 therein receives an offer by the subdivider to purchase that
21 property or interest for fair market value, whichever is later. A
22 development moratorium specified in this paragraph shall extend
23 the tentative map up to the maximum period as set forth in
24 subdivision (b), but not later than January 1, 1992, so long as the
25 public agency which owns or controls the real property or any
26 interest therein fails or refuses to convey the necessary property
27 interest, regardless of the reason for the failure or refusal, except
28 that the development moratorium shall be deemed to terminate 60
29 days after the public agency has officially made, and
30 communicated to the subdivider, a written offer or commitment
31 binding on the agency to convey the necessary property interest for
32 a fair market value, paid in a reasonable time and manner.

33 SEC. 13. No reimbursement is required by this act pursuant
34 to Section 6 of Article XIII B of the California Constitution
35 because the only costs that may be incurred by a local agency or
36 school district will be incurred because this act creates a new crime
37 or infraction, eliminates a crime or infraction, or changes the
38 penalty for a crime or infraction, within the meaning of Section
39 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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